DIRECTORS' TASK FORCE ON REGIONAL PLANNING

Interim Report and Recommendations to the Alberta Planning Board
April 1981

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INTRODUCTION

The Directors' Task Force on Regional Planning was established in the summer of 1980, at the request of the Alberta Planning Board. It is composed of the Executive Directors and some senior staff from the eight Regional Planning Commissions.

In its terms of reference, the Task Force was given two inter-related roles:

(i) to act as a technical sounding board for Inter-Agency Planning Branch (IAPB) staff, during the Regional Planning System Study;

(ii) to act as a working committee to prepare recommendations to the Board on issues affecting Regional Planning Commissions.

The first of these tasks is being accomplished by a series of meetings with the IAPB staff who have been conducting the Regional Planning System Study. To date, there have been 10 meetings over the period June, 1980 to March, 1981. The meetings will continue until the Study has been completed.

This Interim Report is a partial fulfillment of the second task: by presenting an interim report, the Task Force intends to record progress towards making its recommendations to the Board.

The Report deals with five issues affecting Regional Planning Commissions. Three of these (the role of commissions, conformity between plans and delegation of subdivision approving authority) have been considered by the Task Force in some depth; we believe our recommendations have taken into account potential impacts on the whole regional planning system. The remaining two issues (organization of Commissions and planning control over Crown lands) are dealt with in more cursory fashion.

The Report is designed also to reinforce views which have been expressed by the Task Force to IAPB staff during the course of the Regional System Study.* Its presentation at this time is intended to assist IAPB in drafting their final recommendations for the Study.

*A Review Report by the Task Force on Regional Planning. October 3, 1980.

RECOMMENDATIONS ON ROLES AND RESPONSIBILITIES OF REGIONAL PLANNING COMMISSIONS

1. THE BOARD AND THE MINISTER SHOULD ISSUE A CLEAR STATEMENT ON THE ROLES AND RESPONSIBILITIES OF REGIONAL PLANNING COMMISSIONS NOW AND IN THE FORESEEABLE FUTURE.

   The need for such a statement appears to be generally agreed by all participants in the IAPB Regional Planning System Study. The general nature of the mandate, contained in Section 26 of The Planning Act, has created some uncertainty as to the roles and responsibilities of the Commissions in meeting the changing demands facing them. A minimum 10-year perspective would be appropriate.

2. THE BOARD'S STATEMENT SHOULD INCLUDE AT LEAST 8 MAJOR ROLES:

   A. REGIONAL PLANNING,
   B. INTER-MUNICIPAL FORUM,
   C. INFORMATION,
   D. LOCAL ADVISORY SERVICE (MUNICIPAL PLANNING),
   E. SUBDIVISION APPROVING AUTHORITY,
   F. ADMINISTRATION,
   G. GOVERNMENT AND MUNICIPAL LIAISON,
   H. PROVINCIAL AGENCY REFERRAL.

   The roles are not listed in order of importance.

   Appendix I expands on these roles and identifies the responsibilities attached to each of them. The recommended future core roles do not depart significantly from current practice. This reflects the experience of the Task Force with the existing regional planning system, which has provided a generally satisfactory level of planning service and appears capable of continuing to do so in the future, without radical alteration.

3. THE ROLE OF COMMISSIONS AS CO-ORDINATORS OF POLICIES AT THE REGIONAL LEVEL SHOULD BE STRENGTHENED.

   Commissions have the potential to implement more effectively important provincial land use policies in the regions. Examples are the preservation of good agricultural land, the decentralization of economic activity, the safe and efficient use of water resources. In addition, commissions could be encouraged to move into new policy areas, such as the co-ordination of regional utilities, to the extent that this may be desired by commission members. The Task Force sees a stronger co-ordinating role for commissions as an alternative to regional government.

RECOMMENDATIONS ON ORGANIZATION FINANCING AND STRUCTURE OF REGIONAL PLANNING COMMISSIONS

4. COMMISSIONS SHOULD RETAIN THE ORGANIZATIONAL AUTONOMY THAT THEY PRESENTLY ENJOY.

The Task Force has not formulated detailed recommendations on the commissions' organization, financial resources, membership, voting structure and boundaries.

The Task Force recognizes not only the similarities among the eight regional planning commissions but also their important differences. Each commission should be free to adopt the organization and procedures best suited to the needs of its members.

Some observations on financing may be useful in view of the Province's current study of this matter:

- The Alberta Planning Fund, as presently administered, has been a satisfactory mechanism for funding regional planning commissions.

- The level of financial support from the Province to the Alberta Planning Fund in support of Regional Planning Commissions should reflect (a) an increased role for commissions as co-ordinators of provincial policies at the regional level (see Recommendation #3); (b) the commission's continued role in the protection of high planning standards; (c) the Province's overriding responsibility to ensure that Provincial regulations are administered effectively.

RECOMMENDATIONS TO ENSURE CONFORMITY BETWEEN REGIONAL PLANS AND MUNICIPAL PLANNING DOCUMENTS

5. THE BOARD AND THE MINISTER SHOULD ISSUE A CLEAR STATEMENT ON THE RESPECTIVE PURPOSES OF AND OPERATIONAL RELATIONSHIPS BETWEEN REGIONAL PLANS, STATUTORY PLANS, LAND USE BYLAWS AND THE SUBDIVISION REGULATION.

   The intent of The Planning Act needs to be explained and amplified before the plan conformity issue can be resolved satisfactorily.

6. POTENTIAL INCONSISTENCIES BETWEEN THE REGIONAL PLAN AND MUNICIPAL PLANNING DOCUMENTS, WHICH CANNOT BE RESOLVED BY A COMMISSION, SHOULD BE RESOLVED BY THE BOARD AS PART OF THE REGIONAL PLAN APPROVAL PROCESS.

   The Board would act as an adjudicating body and could resolve the inconsistency either by directing the municipality to make the necessary change to its planning document or by directing the commission to change the regional plan.

7. PROVISION SHOULD BE MADE TO ALLOW COMMISSIONS OR, FAILING THE COMMISSION, TO ALLOW THE BOARD TO RESOLVE INCONSISTENCIES BETWEEN THE REGIONAL PLAN AND MUNICIPAL PLANNING DOCUMENTS, SUBSEQUENT TO RATIFICATION OF THE REGIONAL PLAN.

   Appendix II outlines a process and specific amendments to The Planning Act, which aim to ensure conformity subsequent to regional plan ratification. The Task Force has concluded that plan conformity cannot be addressed without compulsory referral of municipal planning documents to commissions.

   The Board should confine itself to matters of compliance with The Planning Act and Provincial policies, but should not attempt to substitute its judgement on regional policy matters, which are more appropriately made by the 2/3 majority of local elected representatives on the Commission.

RECOMMENDATIONS ON FURTHER DELEGATION OF SUBDIVISION APPROVING AUTHORITY

8. THERE SHOULD BE NO FURTHER DELEGATION OF SUBDIVISION APPROVING AUTHORITY UNTIL THE BOARD HAS COMPLETED A COMPREHENSIVE REVIEW OF THE POTENTIAL IMPACTS OF SUCH DELEGATION.

The Task Force is not opposed to further delegation of subdivision approving authority, where appropriate. However, we are concerned that the system-wide implications of increasing the number of Subdivision Approving Authorities are understood, for example, with respect to cost efficiency, best use of professional expertise, co-ordination of decision making in plan preparation and implementation, and effect on Provincial subdivision standards. The review should be sensitive to different conditions from one part of the province to another.

9. THE BOARD AND THE MINISTER SHOULD ESTABLISH CRITERIA WHICH WILL BE USED IN CONSIDERING APPLICATIONS FROM MUNICIPALITIES TO BECOME SUBDIVISION APPROVING AUTHORITIES.

The Task Force has drafted criteria for the Board's consideration (see Appendix III). The proposed criteria recognize the fact that subdivision approval is never a purely administrative function.

10. WHERE SUBDIVISION APPROVING AUTHORITY IS TO BE DELEGATED FURTHER, EACH COMMISSION SHOULD BE LEFT TO DETERMINE ITS ORGANIZATIONAL RELATIONSHIPS WITH THE MUNICIPALITY CONCERNED.

The Task Force sees two alternative relationships which could be established, with the possibility of some variation between them:

(a) the municipality becomes the approving authority and the commission provides staff support;

(b) the municipality becomes the approving authority and establishes its own planning department, with the commission acting as a referral agency.

RECOMMENDATIONS ON PLANNING CONTROL OVER CROWN LANDS

11. THE PROVINCE SHOULD ISSUE A CLEAR STATEMENT ON MATTERS OF JURISDICTION AND POLICY WITH RESPECT TO PLANNING CONTROL OVER CROWN LANDS.

    If it is agreed that regional and municipal planning jurisdiction extends to patented lands within the Green Zone and to holders of public land dispositions, then an appropriate co-ordination and referral structure needs to be established and used consistently.

RECOMMENDATIONS ON THE ROLE OF THE ALBERTA PLANNING BOARD

12. AS A KEY FACTOR IN THE REGIONAL PLANNING SYSTEM, THE BOARD SHOULD PROVIDE APPROPRIATE LEADERSHIP IN THE CONDUCT OF ITS DUTIES.

We recognize that in the regional planning system, the three main actors are the Commissions, the Alberta Planning Board and the municipalities. In turn, the actions of all three parties inter-relate, resulting in the need for the Board to provide an important leadership role. The duties of the Board may be generally classified as follows: advice on The Act and its Regulations, finance, conflict resolution, Regional Plan review (including amendments), appeals and inter-departmental co-ordination. It is suggested that in the conduct of these duties closer ties should be established with Regional Planning Commissions at the technical level and with M.L.A.'s at the political level. This could perhaps entail some reorganization of the Board into two or more Divisions.

APPENDIX I

ROLES AND RESPONSIBILITIES OF REGIONAL PLANNING COMMISSIONS

THE ROLES AND RESPONSIBILITY OF REGIONAL PLANNING COMMISSIONS IN THE FUTURE

1. INTRODUCTION

1.1 Background

A statement outlining the role and responsibilities of the Regional Planning Commissions in Alberta has been an integral part of The Planning Act for many years, giving the commissions a mandate to carry out regional planning; to provide planning advisory services to the municipalities they serve; to provide the administration for subdivision approval in the region; and to resolve intermunicipal disputes. This mandate has enabled the commissions to provide a co-ordinated approach to the three major levels of planning in Alberta; i.e. municipal, regional and liaison for provincial planning. This approach has provided an efficient means of delivering planning services.

The general nature of the statement has given the Regional Planning Commissions the necessary flexibility they have needed to meet the unique needs of each region. The generality of the statement has, however, created some uncertainty as to the role and responsibilities of the commissions in meeting new demands, in resolving new issues and in providing planning advice in areas where land use planning and other forms of public sector planning overlap.

In the course of the Regional Planning System Study, Regional Planning Commissions, provincial departments and municipal governments have agreed that a clear statement of the Regional Planning Commission role and responsibilities in the future is needed. The following therefore is an attempt to outline the major roles and responsibilities the commission can be expected to perform in the future based on regional demands, current operations and on emerging areas requiring regional planning commission attention.

1.2 Formal Authority and Status

The Alberta Planning Act, 1977 (Section 26(3),(4)), presently provides the following mandate and authority for the Regional Planning Commissions .....

(3) A Regional Planning Commission shall
  (a) prepare a regional plan for its planning region;
  (b) upon the request of a council of a municipality situated in its planning region, prepare or assist in the preparation of;
    (i) a statutory plan, or
    (ii) a land use bylaw,
    or both of them;

(c) provide such advice and assistance to a council or a municipal planning commission as is agreed upon by the Regional Planning Commission and the council or the municipal planning commission, as the case may be;
(d) encourage, by whatever means it considers appropriate, participation by the general public in planning matters.

(4) A Regional Planning Commission may, or at the request of the Minister, a council or the Local Authorities Board shall,
(a) submit suggestions with respect to any proposed annexation, or
(b) attend a hearing of the Local Authorities Board and speak to any matter before it, or both.

This mandate has in general not changed over the years. However, the demands on the commission have changed and in response there has been a period of development and evaluation, trial and error and change according to the unique needs of the regions. The experience over the past several years suggests that a broader perspective on the responsibilities of the Regional Planning Commissions is now required, relating to the status they have in fact achieved, and to the roles they are expected to carry out within the flexible guidelines of the planning legislation.

2. SUGGESTIONS OF THE TASK FORCE

2.1 Role Definition

The role of the commission is defined largely by regional socio-economic demands, intermunicipal consensus on how to best address these demands, and on the actions taken through the planning process, and through subdivision procedures provided by planning related legislation.

Given these parameters, a statement on Regional Planning Commission roles should recognize the need for the Regional Planning Commission to identify regional policy trends, commission policy positions, areas for joint planning, and ways and means to resolve intermunicipal and intergovernmental conflict. Such a statement must reflect the legislative framework for regional planning, the Provincial emphasis on developing local autonomy and the need for the commission to consult with the provincial departments on the cumulative effect of overlapping policies and programs.

To accomplish the above, a six part role definition is recommended by the Task Force. A more detailed description of these functions can be found later in the paper.

A. Regional Planning

The commission prepares and adopts a regional plan to address the long-term needs of the region and where appropriate implements Provincial policies/regulations, puts in place an

implementing mechanism, identifies where municipal, provincial or private sector decisions depart from the plan, and takes corrective action as required.

B. Intermunicipal Forum

The Regional Planning Commission provides a forum for municipalities to discuss common problems and to collectively agree on a regional course of action to address the needs within the region they share and on how best to apply the planning resources available through the commission to their priorities and to the statutory requirements laid out in legislation.

C. Information Function

The commission monitors changing socio-economic demands in the region, and circulates current information to make municipalities and the Province and the public aware of emerging issues.

D. Local Advisory Service

The commission prepares general municipal plans and land use bylaws and administrates them at the request of their member municipalities. In addition, the Regional Planning Commission provides consulting services to municipalities and other local authorities on a request basis on planning and advice on annexation matters.

E. Subdivision Approval

The commission is the subdivision approving authority for its region, except where this authority has been delegated to a municipality, and therefore provides both the administration for the process and the professional resources for assessing applications and advising on recommended changes.

F. Administration

The Regional Planning Commission manages a program structure to address the above responsibilities, undertakes additional programs and projects as required, implements provincial policy and regulations where appropriate, monitors the effectiveness of the Alberta Planning Act and provides suggestions for amendments, and undertakes additional planning-related responsibilities according to the priorities and needs of its members.

G. Government and Municipal Liaison

The commission assists communication between the Province and municipalities in the region and participates in Provincially initiated studies.

H. Provincial Agency Referral

The commission receives referrals from the Local Authorities Board, the Energy Resources Conservation Board and other provincial hearing boards and is called upon to make representations to them.

These eight roles, or functions of the commissions, can be more clearly described through the responsibilities required in performing them.

2.2 Responsibilities of the Regional Planning Commissions

From the discussions of the Regional Planning Commission Task Force on Regional Planning, the following responsibilities are seen as the major focus for Regional Planning Commission activity in the foreseeable future. The responsibilities reflect the areas of activity currently being undertaken by the Commission.

Responsibility	Examples Identified by Regional Planning Task Force
A. Regional Planning	
a) Regional Plan Adoption & Amendment The commission is responsible for determining objectives, policies and action plans to address the needs, opportunities and problems of the region, in the form of a regional plan.	- prepare the regional plan and amendments according to The Planning Act. - on a continuing basis reviews and evaluates the regional plan, and prepares the necessary amendments to it.
b) Regional Plan implementation The commission shall adopt an implementation program for the regional plan. This would include proposals for action, regional land use regulations, ways to implement Provincial policies and regulations where appropriate, direction to municipalities for general municipal plan and land use bylaw conformity, co-ordination mechanisms, and advocate policies recommending action by other agencies.	- put in place a list of actions to implement the regional plan.

Responsibility	Examples Identified by Regional Planning Task Force
c) Plan Conformity Where general municipal plans, other municipal planning instruments or provincial policies do not conform with the policy direction of the adopted regional plan, the Regional Planning Commission is expected to initiate discussion and problem resolution.	- further direction from the Province is required before Regional Planning Commission activities can be identified for this area.
d) Regional Review and Evaluation The commission is responsible for providing advice on alternative courses of action to meet emerging regional issues which are identified through intermunicipal discussion, through Regional Planning Commission - provincial discussion or through a monitoring program. Follow-up action may result in new areas for policy development and plan co-ordination to keep pace with change in the region.	- provide support and advice to Provincial agencies in undertaking regional utilities studies, river basin and lake studies, industrial waste collection and treatment, pipeline corridor studies, and major projects, e.g. the Eastern Slopes Study.
B. Intermunicipal Discussion a) Leadership The Commission is responsible for identifying through intermunicipal discussion actions required to address common municipal problems and priority areas for concerted regional action. The commission, upon taking a particular course of action will involve the municipalities, the Provincial agencies and the public affected by their decision through early consultation. The results of such intermunicipal discussion will then be reflected in appropriate planning instruments e.g. the regional plan, briefs or position papers to Provincial agencies, etc.	- co-ordinate land use development affecting more than one municipality. - encourage airport regulations. - encourage, through subdivision responsibility, floodplain controls, protection of watershed areas and provision of environmental reserve. - initiate development restrictions to promote safety standards in areas near sour gas pipelines and installations. - encourage municipal role in local economic development. - carry out intermunicipal services studies; e.g. fire, ambulance, library, solid waste.

Responsibility	Examples Identified by Regional Planning Task Force
C. Information Function	
a) Monitor The Regional Planning Commission is responsible for the monitoring of changing socio-economic and physical demands in the region and of the effectiveness of planning decisions.	- monitor subdivision and development activity as an indication of how land use decisions are related to changing needs and values. - monitor the subdivision and development of agricultural land to determine the size of economically viable parcels for regional policy formulation. - monitor the resources of the region e.g. gravel and sand.
b) Dissemination of Information The commission is to circulate current information on the region and on the planning decisions the commission has taken to address emerging issues.	- circulate public information documents on population projections, reserve land provisions, regional shopping supply/demand, condominium development.
c) Public Education The commission is expected to provide an educational program in planning for municipalities and for the public. The purpose is to increase the awareness of planning as an activity required by legislation to set out the community's direction for growth and change in a regional context.	- circulate an annual report on the region, increasing awareness of regional concerns and initiative. - hold workshops on planning matters, including recreation development agreements, land use bylaws and the role of the Regional Planning Commission. - hold seminars to explain planning to municipal councils, municipal planning commissions and small town administrators. - prepare synopsis documents for public use. - circulate newsletters to increase awareness of current activities and planning alternatives.
d) Public Participation The Regional Planning Commission is responsible for involving the public in all statutory plans as required and when requested, and for outlining how planning alternatives deal with public concerns.	- hold public meetings to describe the purpose of planning initiatives and to receive public input in selected areas. - conduct surveys and questionnaires to determine the impact of planning alternatives.

Responsibility	Examples Identified by Regional Planning Task Force
D. Local Advisory Service	
a) Preparation of Municipal Plans and Bylaws The commission upon request prepares general municipal plans, area structure and redevelopment plans and land use bylaws. Provides continuing advice on statutory plans to member municipalities.	- prepares plans and bylaws upon request from member municipalities.
b) Consulting Services to Municipalities The Regional Planning Commission provides consulting services to municipalities and other local authorities on planning, development applications and annexation matters. Where required, the Regional Planning Commission will represent the interests of a member municipality in discussions with other agencies.	- provide advice on the whole range of planning at the local level, including railway relocation, down-town revitalization, urban design, regional recreational facility grants, land banking, utility services, etc. - provide statistical information and planning studies to municipalities as requested. - attends Municipal Planning Commission and other meetings.
E. Subdivision Approval	
The Regional Planning Commission has subdivision approval authority for its region, with the exception of those municipalities where the authority has been delegated by the Minister to the local level.	- administer the subdivision approval process, carries out site inspections and co-ordinates development ensuring that they adhere to the regional plan, the general municipal plan and the land use bylaw and meet provincial policies and regulations.
F. Administration	
a) Regional Planning Commission Management The Regional Planning Commission assists its members to manage the program structure required to address the above activities. In addition, to the above statutory responsibilities, the Regional Planning Commission shall initiate additional programs and projects to address the needs and issues of its member municipalities.	- the Regional Planning Commission organization currently provides services for all statutory responsibilities. In addition, planning resources are allocated to intermunicipal and municipal studies on request, and on assisting the Province in such matters as aerial photography, regional park planning, co-ordinating regional water and sewer services and land use planning and regional economic development.

Responsibility	Examples Identified by Regional Planning Task Force
b) Implementation of Provincial Policies and Regulations The commission is expected to be aware of provincial policies and regulations where the Regional Planning Commission has an appropriate mechanism.	- provincial policy on various matters (e.g. lake management, AUPAs, RDAs,) and regulations (such as sour gas) are currently implemented through the subdivision approval process, general plan preparation and regional plan preparation and implementation.
c) Monitoring the Effects of the Alberta Planning Act The Regional Planning Commission as a major planning mechanism in the Province, is expected to monitor the impact of the Alberta Planning Act and Subdivision Regulations and provide ongoing input to the Department of Municipal Affairs and the Alberta Planning Board regarding the Act's effectiveness.	- provides input and assistance to the Department of Municipal Affairs in its monitoring and subsequent amendment of The Planning Act.
G. Government & Municipal Liaison The commission is responsible for maintaining contact with provincial departments and municipal governments and for providing a regional perspective on actions, plans or programs initiated by the Province or by member municipalities.	- ongoing contact is mentioned to provide input to Provincial program planning, e.g. transportation corridor studies.
H. Provincial Agency Referral The commission is responsible for providing comments to and making representations to provincial hearing boards in response to referrals.	- comments on annexation applications referred by the Local Authorities Board; comments on natural gas processing plants referred by the Energy Resources Conservation Board.

APPENDIX II

ENSURING CONFORMITY BETWEEN REGIONAL PLANS AND MUNICIPAL PLANNING DOCUMENTS

MEANS FOR ENSURING CONFORMITY BETWEEN THE REGIONAL PLAN AND OTHER STATUTORY PLANNING DOCUMENTS

1. INTRODUCTION

1.1 Section 53(2) of The Planning Act, 1977 requires conformity between the Regional Plan and other statutory planning instruments adopted at the municipal level (i.e. General Municipal Plan, Area Structure/Redevelopment Plans, Land Use Bylaws). In this regard, The Act explicitly recognizes the paramount role of the Regional Plan as a means for co-ordinating development activities for the entire region in an efficient, consistent and equitable manner.

1.2 The Act, does not, however, specify how conformity between the two levels of statutory planning instruments can be achieved or in the event of conflicts between plans, how they might be resolved, although recent amendments to Section 53 of The Act move towards some improvement in this respect.

1.3 Without having the means to bring the conformity problem to a satisfactory resolution, the potential exists that the intent of The Planning Act may be defeated by a municipality adopting statutory planning instruments and/or issuing development permits which conflict with the Regional Plan.

2. SUGGESTIONS OF THE TASK FORCE

2.1 The Task Force adopts the view that the present mechanisms described in 1.2 above are inadequate or too cumbersome for resolving problems arising from non-conformity between plans. Alternative mechanisms must be provided for in The Planning Act, through which discrepancies between the Regional Plan and other municipal statutory planning documents can be resolved. The Task Force suggests that this resolution process should start at the Regional Planning Commission level, with an appeal to the Alberta Planning Board, and only ultimately to the Courts.

To this end, consideration might be given to incorporating new provisions to enable the Regional Planning Commission to advise its municipal councils on problems of plan inconsistency, and to appeal to the Alberta Planning Board before taking a municipal council to court as a final resort.

2.2 The following tentative suggestions are presented for consideration of the Alberta Planning Board:

1) A clear statement should be issued by the Alberta Planning Board and the Minister on the respective purposes, functional and operational relationships between the Regional Plan, the General Municipal Plan, the Area/Structure Redevelopment Plan, the Land Use Bylaw and the Subdivision Regulation.

2) If a problem related to adoption of the Regional Plan cannot be resolved by the Regional Planning Commission it should be brought to the attention of the Board when the Regional Plan is submitted to the Board for review and approval, so that the Board will act as an adjudicating body and resolve the problems by directing the municipal authority or the Regional Planning Commission to make the necessary change to its plan or statutory documents such as the Land Use Bylaw.

3) Subsequent to the adoption of the Regional Plan,

   a) the Regional Planning Commission should be given authority to review and comment upon local statutory planning documents for regional plan conformity. The municipality should be required to seek the advice of the Regional Planning Commission after first reading has been given to a proposed statutory planning document, thus providing sufficient time for consultation before the municipality has adopted the instrument. Before third reading is given, the municipality must seek the opinion of the Regional Planning Commission attesting to conformity of the instrument with the regional plan;

   b) a municipality shall not adopt or amend a statutory planning document which has been judged non-conforming by the Regional Planning Commission;

   c) any instrument judged by the Regional Planning Commission or the municipality to be non-conforming shall be referred by the Regional Planning Commission or the municipality to the Board, unless such non-conformity cannot be first resolved by the two parties;

   d) the Board shall resolve the question of whether conformity exists, and may hold a public hearing or conduct an investigation to so determine;

   e) the Board once having decided the non-conformity issue will refer the matter back to the Commission and municipality for their information and follow-up action;

   f) a municipality shall not take any action to allow development once a non-conformity situation has been detected;

   g) after third reading, the municipality shall refer the statutory planning document to the Regional Planning Commission.

4) To assist in monitoring and to ensure conformity between development decisions made by the Development Officer and subdivision rendered by the Regional Planning Commission or municipality as the Subdivision Approving Authority, provi-

sions should be made in The Planning Act for the referral of development decisions -- particularly those related to Direct Control Districts -- and those of the development appeal board to the Regional Planning Commission for record purposes, and for the Regional Planning Commission to have the right to appeal any plan non-conformity problems to the Development Appeal Board and/or the Alberta Planning Board.

5) To encourage conformity between provincial policies and Regional Plan policies, the Board should use the regional plan review mechanism as a means to identify any policy gaps or conflicts, prior to adoption of the plan, thereby highlighting those policy areas in which clarification is sought by either the provincial department or the Regional Planning Commission.

3. SUGGESTED FRAMEWORK FOR AMENDMENTS

3.1 Proposal #1: Referral of General Municipal Plan to RPC

"60(2) A Council shall, at least 60 days before considering the adoption or amendment of a General Municipal Plan, submit a copy of the proposed plan or amendment to the Regional Planning Commission in which the municipality is situated to provide an opportunity for the Commission to examine the General Municipal Plan with respect to its conformance to the Regional Plan."

3.2 Principles behind Proposal #1

This proposal would confer equal rights of appeal to both municipalities and Regional Planning Commissions. As under the present Act, Section 55(1), municipalities enjoy the right to appeal the refusal of a Regional Planning Commission to amend its Regional Plan. The Regional Planning Commission should experience the same opportunity. This would mean that a Regional Planning Commission had the right to apply to a municipal council for an amendment to a General Municipal Plan if it felt the General Municipal Plan and the Regional Plan were in conflict. The refusal of a municipal council to amend its General Municipal Plan would then allow the Regional Planning Commission the right to appeal to the Board as the final arbiter on conformance (short of resorting to the courts).

3.3 Proposal #2: Amendments to a General Municipal Plan and Appeals

(following the description of a General Municipal Plan in the Act)

"62(1) After examining a General Municipal Plan or an amendment for a General Municipal Plan with respect to its conformance to a Regional Plan, a Regional Planning Commission may apply to a council of a municipality to amend the plan.

(2) No amendment to a General Municipal Plan shall be adopted unless notice of the proposed amendment is given in accordance with Part 6.

63 If a council refuses to adopt an amendment to a General Municipal Plan the Regional Planning Commission may appeal to the Board.

64(1) The Board shall hold a public hearing on the appeal after giving at least 10 days notice to
(a) the appellant
(b) the council of the municipality affected
(c) such other persons or organizations as the Board considers necessary.

(2) After hearing the parties and any other local authority or person it wishes to hear, the Board may approve the amendment."

3.4 Principle behind Proposal #2

Justification for this proposal exists in the way in which the Board currently operates. At the moment the Board is performing a review and appeal role at both the regional level and the municipal level. It reviews and hears appeals on subdivision matters. We have a relationship of appeals to the plan hierarchy, but no appeal mechanism for the second tier in the heirarchy - the General Municipal Plan.

3.5 While the above proposals relate only to the General Municipal Plan, they can easily be enlarged and/or modified to accommodate the need for conformity between the regional plan and the other municipal statutory planning instruments mentioned earlier.

4. RECOMMENDATIONS

4.1 That the above suggestions and Planning Act amendment proposals be reviewed by the Alberta Planning Board, with a view to amending The Planning Act, and the issuing of Board policy directives on how potential plan non-conformity problems will be resolved or addressed.

4.2 Additionally, the Board may wish to review if the principles behind the above suggestions and proposals should apply to ministerial regional plans prepared under Section 53.1 of The Planning Act, 1977.

4.3 That similar provision for formal scrutiny and appeal to the Board be made with respect to land use bylaws.

APPENDIX III

CRITERIA FOR DELEGATING SUBDIVISION APPROVING AUTHORITY

CRITERIA FOR DELEGATING SUBDIVISION APPROVING AUTHORITY TO MUNICIPALITIES

1. INTRODUCTION

1.1 There is unanimous agreement among the Task Force members that delegating subdivision approving authority to municipalities should be reviewed by the Province comprehensively in terms of the potential impacts of such action on the operation of the RPC; of the implications for conformity between the regional plan and other local statutory planning documents; of the method of transferring the authority to the municipality and of the capability of the municipality to perform this new authority.

2. SUGGESTIONS OF THE TASK FORCE

2.1 The following criteria which would be applied to a municipality applying to become its own subdivision approving authority are suggested for consideration by the Alberta Planning Board:

a) the existence of a ratified Regional Plan, an adopted General Municipal Plan and an adopted Land Use Bylaw prepared under The Planning Act, 1977;

b) evidence of professional planning and administrative resources within the municipality to carry out effective planning and subdivision work;

c) the establishment of a minimum transition period during which a process can be developed to assist the municipal planning staff to become familiar with and to acquire expertise in subdivision work and land use planning before the responsibility to process and to approve subdivision applications are formally turned over to the municipality;

d) the establishment of a mandatory subdivision referral process between the regional planning agency (i.e. the RPC) and the municipal subdivision approving authority;

e) the RPC's have the right to appeal decisions on subdivision to the Alberta Planning Board.

2.2 Given the delegation of the subdivision approving authority to member municipalities presently has an immediate impact on the finances and thereby the operations of the RPC's, the Alberta Planning Board should ensure that the impact is minimized by the appropriate means.

2.3 As an option to the delegation of complete subdivision approval authority to municipalities, the suggestion has been made for the RPC to perform a staff role by actually providing the technical function of processing subdivision applications and making recommendations to the municipal council who makes the final decision.

The criteria suggested in 2.1 and 2.2 would also be applicable on this option.

One of the disadvantages of this option is the ability to administrate it particularly as it relates to referral systems, plan conformity, etc. On the other hand, the advantages of this option are that, in addition to satisfying most of the above suggested criteria, it also eliminates the need for the municipality to acquire a professional planning capability before being granted the authority to approve subdivision applications.

3. RECOMMENDATIONS

It is recommended that:

a) the criteria in 2.1 be endorsed by the Alberta Planning Board;

b) the option in 2.3 should be reviewed by the Alberta Planning Board with the understanding that the criteria in 2.1 and 2.2 would also apply to this option; and

c) the implications of delegating subdivision approving authority to municipalities and the whole question of the RPC financing structure should be examined by the Alberta Planning Board.

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